

APPROVED: Meeting No. 9-83

ATTEST:

Helen M. Heneghan

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 7-83

March 14, 1983

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, March 14, 1983, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan;
City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Blick reported the following:

1. The Traffic Engineer will meet with the Montrose Civic Association on March 21 to discuss whether or not the traffic signal at Congressional Lane and Rollins Avenue should be removed. They will also consider whether the prohibition of traffic entering west bound Rollins Avenue at Jefferson Street from 7 to 9 should be retained.
2. In January, the Mayor and Council approved the City's joining the Maryland local government investment pool. The City is earning a half percent more than it would on United States' Treasury bills in CD's through this program.
3. The contractor for the North Washington Street project has razed the Manhattan Auto building and will begin installing conduits for undergrounding the utilities in two weeks.
4. Building permits have been issued for two new warehouses on Stonestreet and for seven single family dwellings in the North Farm subdivision and two single family dwellings in Orchard Ridge on Seven Locks Road. The latter two are expected to be model homes.

The City Attorney reported to the Council that a settlement was held on Friday with Peerless Rockville for the purchase of the Dawson Farmhouse.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. State Department of Taxation, re Constant Yield Tax Rate
Councilwoman Hovsepian said she is happy to see that this rate has been raised from 75¢ to 80¢, she still does not approve of the formula however. Mayor Freeland asked that information be included in the budget on the constant yield tax rate.
2. Blair Ewing, Board of Education, re thank you.
3. MML, request for door prize
4. B. Havlik, re neighborhood problem
5. J. Hansman, Montgomery County, re cable franchise agreement
6. Delegate Forehand, re MC/PG 2-83
7. MML re dues increase

Councilman Tyner noted that this memorandum says there may be a dues increase, it is not definite, and the Board of Directors of the MML is suggesting no increase.

Re: Information Items

The Mayor and Council noted the following items of information.

1. Notice of meeting on Housing Issues
2. Memo from City Attorney re Historic Districts
The Council suggested the amendment be prepared for the Mayor and Council's agenda.
3. Senior Citizens newsletter
4. Response from City Manager to citizen inquiry
Councilman Abrams asked if a project to correct the poor drainage at Langbrook Place will be included in the Capital Improvement Budget. The City Manager said it will be.
5. Copy of letter to delegation re HB1277, Municipal Corporation annexation
6. Memo re Affirmative Action
7. CDHA project reports
8. Executive Order from County Executive re Fields Rd/Piccard Drive CIP project
9. Memo from CDHA re North Farm Subdivision

Councilman Duncan said that representatives of the Home Improvement Warranty Company have written and expressed their chagrin at the notion that they have not assisted the residents of the North Farm subdivision when in fact they have never received a complaint. He suggested that they be kept informed.

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Re: New Business

1. Councilwoman Hovsepian noted that the Country Inn is scheduled for a review for license renewal in April. She said a representative of the West End Citizens Association spoke to her and said the Association is working with Heritage House to oppose license renewal. There have evidently been several violations in that area. The Mayor said testimony is being gathered now for the transmittal and he would like direction from the Council as to whether or not a personal appearance at the hearing will be needed.

2. Councilwoman Hovsepian said Senator Shore's Bill HB551 on enclaves is coming up for a vote. Mayor Freeland asked that the Clerk call and get results of the action and forward the information to the Council on Wednesday.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Harry Moatz, 1721 Crestview Drive. Mr. Moatz briefed the Council on an incident that occurred on March 2 when a sewer backup caused three inches of raw sewage to flow through his basement causing him to lose carpets, TV's, etc. He told of his problems with the City and the insurance company since then and said he is prepared to sue. He would like to have direction from the Council on what action the City will be taking. Mayor Freeland asked that the City Manager address this issue. The City Manager gave the report from the City's standpoint of the occurrences and explained the City's policy and that of the insurance company. He said the City is now awaiting findings from the claim report and no comments can be made until that is done. Discussion followed with the City Manager answering the questions of Mr. Moatz. Mayor Freeland asked that any information the City has be forwarded to Mr. Moatz. The City Manager said he would do so as the City Attorney advises because of the litigation.

There being no other citizen wishing to address the Mayor and Council, the Citizen's Forum portion of the meeting was closed.

Re: Demonstration - Cable
Television Capacity for
Community Access

Mindy Snyder of the Tribune United Cable Television Company addressed the Council and briefed them on the advantages to the City that will come from community access. She explained that at this time Tribune United is running

work shops so that people will be prepared when the cable is in place. She then showed a film produced by graduates of the work shop. The Mayor and Council thanked Mindy for her time.

Re: Review of testimony on
Montgomery County Public
Schools' FY 84 budget

Elaine Goldberg, acting Chairman of the City's advisory commission on public education addressed the Council and gave them an update on the FY84 operating budget request. In total the draft testimony prepared by the commission asks for a budget as close to the Board of Education's request as possible. The Commission would be endorsing full funding. Mayor Freeland commended the Board for the work that has been done on the budget with such short notice. Councilmembers Duncan, Tyner and Hovsepian agreed with the Commission's testimony. Councilman Abrams cautioned the commission on involvement in the process beyond the limits of Rockville. He suggested that the fact sheets submitted to the Council be included with the testimony and a statement explaining that the Commission does not plan to expand beyond the limits of Rockville. In this light, the testimony can be redrafted, refocusing on Rockville matters. The Mayor and Council agreed to this.

Re: Review of testimony of
Montgomery County FY84
Operating Budget

The Mayor and Council approved the testimony as submitted on the FY 84 budget. The testimony will be given at the public hearing on Wednesday, March 23 at 7:00 p.m by Mayor Freeland and Councilwoman Hovsepian will speak in his absence.

Re: Annual Report of the
Energy Commission

Mr. Raymond Carroll, Chairman of the Rockville Energy Commission, addressed the Mayor and Council. His opening remarks addressed the fact that fuel costs have gone down and the mild winter has further eased the burdern of energy costs; however, the City is using more energy not due to waste, but it reflects in part the addition of the Rockville Senior Center, the expansion of City Hall, the increasing number of city street lights and escalating cost of operating the Water Filtration Plant. He gave the high lights on the Energy Commission report explaining the pie chart in the report. He noted that although the water plant functions reliably, the increasing cost of its operation indicates the need for serious and concerted efforts to improve equipment and procedures there. He said the Energy Commission will continue to monitor developments and alternative vehicle fuels for future use as appears appropriate. He noted

the reduction in vehicle fuel costs since the action to join the Metropolitan Washington Council of Governments cooperative fuel purchase agreement. He mentioned this past year that the Energy Commission was called upon to assist the Planning Commission and Board of Appeals to resolve a question regarding a zoning variance request for solar energy. He said the Commission is currently developing a guideline for the Board of Appeals to help them in evaluating the applications. Councilman Tyner commended the Energy Commission and suggested this next year it might address doing something for the citizens. Mr. Carroll referenced the series of articles that appeared in the City newsletter. Councilman Tyner suggested that the articles be sent to local civic associations to appear in their newsletter since they are probably better read than the City's newsletter.

The Mayor and Council thanked Mr. Carroll and asked that their gratitude be passed on to the members of the Commission for their work on behalf of the citizens of Rockville.

Re: Report on Town Center
Parking Committee

Robert Shawn, Chairman of the Town Center Parking Committee, thanked the members of the committee for working with him and addressed the highlights of the report and the suggestions they are forwarding to the Council. Dr. Dennis Cain, a member of the Committee, noted that a minority report will be coming to the Council. It is not ready tonight because there was insufficient time to prepare it. Mayor Freeland said the work session that Councilman Tyner requested will be held in a 30 to 45 day period. In the mean time, he would like the Economic Development Commission, Traffic & Transportation, and Planning Commission to review the material. He asked that members from each of those Boards be invited to the work session and that the staff begin working to structure the meeting since it will be so large it must be structured to have the best results. Mayor Freeland expressed the gratitude of the members of the Council to the entire Town Center Parking Committee.

Re: Award of Contract:
Bid No. 26-83, Animal Van

Invitations for Bid No. 26-83, was issued for the acquisition of one standard cab van with options for a spotlight and rustproofing for the Police Department's Animal Control Division.

Bids were opened on Wednesday, February 23, 1983, at 8:00 p.m. in the City Hall Council Chamber and eight bids were received as follows:

Rosenthal Dodge	\$9,405.00
JKJ Chevrolet	9,424.88
Century Ford	9,721.14
Steuart Ford	9,940.50
Bob Banning Motors	10,051.75
Sunderland Chevrolet	10,194.00
Sport Chevrolet Co.	10,335.00
Lustine	\$10,602.00

According to the terms of the Invitation for Bid, bidders were instructed to clearly indicated any exceptions taken to the specifications contained in the document. The bidders were informed that the City would review those exceptions and allow or disallow them as acceptable or unacceptable.

The evaluation conducted by the Police Department found that all of the companies except Rosenthal Dodge were in compliance with the specifications inclusive of any exceptions taken. Rosenthal Dodge took exception to the front axle requirements and bid on a lighter front axle. The van requires a heavier axle than the one cited by Rosenthal Dodge because the van must be able to drive on other than hard surfaces in the pursuit of an animal. The heavier axle is required in order to reduce the likelihood of damage to the vehicle.

The next low bidder, JKJ Chevrolet was determined to be fully responsive and technically acceptable. The company submitted all required documents and took no exceptions to either the IFB's terms and conditions or the specifications.

The Police Department reports that JKJ Chevrolet is experienced and recently performed satisfactorily for the City under a contract last year for the City Manager's car.

In accordance with the above-cited information, the staff recommends award to JKJ Chevrolet for \$9,424.88.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid No. 26-83 for an Animal Van was awarded to JKJ Chevrolet in the amount of \$9,424.88.

Re: Award of Contract
Bid No. 27-83, Tree
Plantings

Invitations for Bid on #27-83 were issued for the acquisition and planting of shrubs and trees for City property.

Bids were opened on Wednesday, February 23, 1983, at 3:00 p.m. in the City Hall Council Chamber and twelve bids were received as follows:

Potomac Valley Nurseries, Inc.	\$ 6,680.00
Arbor Landscapes, Inc.	9,260.00
Middleton Landscaping, Co., Inc.	9,442.55
Lion Landscaping, Inc.	9,659.86
Paul E. Schlosser, Inc.	10,149.00
Campbell & Ferrara Nurseries, Inc.	10,215.00
Patrick J. Ellis	10,661.26
Stock Nursery	11,550.24
C&C Landscape	11,785.00
Musser Brothers	12,039.80
Professional Lawn Service, Inc.	12,505.00
Walter Fehr & Son	14,233.00

Potomac Valley Nurseries' bid is approximately 27% lower than the next low bidder Arbor Landscapes.

The price offered by Potomac Valley Nurseries continues to reflect the consistently lower prices offered by the company for trees and shrubs for the City. In response to Bid No. 37-82 last year for trees and shrubs, the company submitted a bid 20% lower than the next low bidder. The amount budgeted was \$7,920.

The contractor is experienced and recently performed satisfactorily for the City under last year's contract for shrubs and trees.

In accordance with the above-cited information, the staff recommends award to Potomac Valley Nurseries, Inc., for \$6,680.00.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 27-83 was awarded to Potomac Valley Nurseries in the amount of \$6,680.00.

Re: Award of Contract:
 Bid No. 28-83, Pool
 Addition at Rockville
 Swim Center

Bids were opened at Rockville City Hall at 2:00 p.m. on March 7, 1983, for construction of the 12,500 square foot addition to the Rockville Municipal Swim Center, including a 4,600 square foot indoor pool, whirlpool, and major renovation of the locker areas. Included in the specifications were six add/deduct alternatives. Bidders were instructed to provide a base bid, and a separate price for each alternative.

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The bids were as follows:

<u>Bidder</u>	<u>Base Bid</u>	<u>Alt 1</u>	<u>Alt 2</u>	<u>Alt 3</u>	<u>Alt 4</u>	<u>Alt 5</u>	<u>Alt 6</u>
Deneau Construction, Inc. Gaithersburg, Maryland	\$1,086,000	-\$17,500	-\$5,160	-\$1,000	+\$62,500	+\$1,000	-\$44,500
McAlister-Schwartz Co., Inc. Rockville, Maryland	\$1,120,000	- 22,008	- 6,823	- 4,515	+ 65,525	+ 1,470	- 35,000
Robert J. Henley Const. Co., Inc. Rockville, Maryland	\$1,142,711	- 17,500	- 6,500	- 3,000	+ 42,000	+ 350	- 45,000
C.M. Parker, Inc. Rockville, Maryland	\$1,152,000	- 29,750	- 4,490	- 2,000	+ 42,900	+ 1,370	- 20,264
Jesse Dustin & Son Rockville, Maryland	\$1,159,000	- 24,000	- 9,500	- 5,000	+ 41,800	+ 850	- 30,000
S & J Associates Merrifield, Virginia	\$1,160,000	- 24,000	-10,000	- 3,000	+ 40,000	+ 1,000	- 38,000
H. Manny Holtz, Inc. Wheaton, Maryland	\$1,169,000	- 18,000	- 5,000	- 750	+ 60,000	+ 800	- 20,000
Baron Builders, Inc. Silver Spring, Maryland	\$1,186,000	- 29,500	- 750	+ 1,000	+ 50,000	+ 1,500	+ 41,000
Kimmel & Kimmel, Inc. Gaithersburg, Maryland	\$1,189,000	- 22,000	- 6,700	- 7,400	+ 44,000	+ 1,500	- 28,000
Darwin Construction, Inc. Bethesda, Maryland	\$1,269,069	+ 20,000	+11,000	+ 1,800	+ 22,000	+ 3,000	+ 44,000
Golden Construction, Inc. Annandale, Virginia	\$1,405,291	- 14,600	- 5,000	- 2,500	+ 75,000	+ 1,296	- 1,300

Alternates: The specified alternates were as follows:

- Alt 1 - Delete the entire tile faced, formed concrete whirlpool and bleacher seating unit, including all equipment, piping, etc., for the whirlpool.
- Alt 2 - Delete the entire exercise room, including glass block, CMU walls, suspended ceiling, carpet, mechanical unit, lights, etc.
- Alt 3 - Delete the polyester coated aluminum benches and supports in pool room.
- Alt 4 - Provide lockers fabricated entirely of stainless steel in lieu of the baked enamel finished steel lockers specified.
- Alt 5 - Paint the existing prefinished metal fascias on the existing Swim Center building to match the color of the new fascia panels on the addition.
- Alt 6 - Delete the domed skylights in the roof of the natatorium.

All bidders were instructed that the contract would be awarded to the lowest aggregate bidder, which may include the base amount and the combination of optional alternates as chosen in the interest of the City. All companies were evaluated on the same combination of base and alternates, in selecting the low bidder.

In order to keep the bid award amount within the budget, the staff recommends including alternates 1, 2 and 3 in the project, and eliminating alternates 4, 5 and 6. With this combination of base and alternates, the low bidder is Deneau Construction, Inc., of Gaithersburg, Maryland.

The staff recommends that Bid No. 28-83, for construction of a 12,500 square foot addition to the Rockville Municipal Swim Center, be awarded to Deneau Construction, Inc., Gaithersburg, Maryland, in the amount of \$1,080,000 and alternate 6 (a deduct of \$44,500) for a bid award of \$1,035,500.

It is further recommended that an additional appropriation of \$38,675 be authorized to cover additional direct and indirect costs associated with completion of the project.

Councilman Tyner asked staff if there is any additional information on the County location of their pool. The staff reported that the planning now for the Montgomery County Regional Swim Center will have it located at Cabin John Regional Park, on the north side of Tuckerman Lane. This is 3.9 miles from the Rockville Municipal Swim Center. It will be a 42-44,000 square foot building with a 50m by 25Y pool, exercise room, saunas, offices, diving platform, meeting rooms, etc. The pool will have eight 50M lanes and 16-23 25Y lanes. The City Manager said the new pool will be olympic size and it does not make economic sense to locate it so close to the City's pool. More indoor aquatic facilities are necessary in the County but not there. Councilman Abrams asked if there are any pools of this magnitude in the area. Mr. Hall said Fairfax County has one and the Naval Academy. Councilman Abrams asked if the building of this pool brings any change in the City's thinking on its pool. Mr. Hall explained that between 80 and 100 memberships outside the City could be lost to the City. Discussion continued on the County's plan and the Mayor and Council expressed their chagrin that it would be built so close to the City's pool and suggested testimony to the County and to Park and Planning. The Mayor asked that a strong letter be sent to Park and Planning saying this. The Mayor noted that since we are all Montgomery County tax payers,

it would seem wrong to do something like this and the County should strive to have theirs self-supporting as the City has done. He referred to the facility as more of an ego trip than a need. The tax payers should be alerted to that. On the one hand, money is being removed from the school boards' budget and then the money is being budgeted for this kind of activity. The City's object is to build a facility of no cost to the tax payers and the County should take heed.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 28-83, was awarded to the Deneau Construction Co., in the amount of \$1,350,500 and an additional appropriation of \$38,675 was authorized to cover additional costs.

Re: Approval of proposal for
Financing Additional Pool

The staff has done an analysis of financing options for the addition to the Swim Center.

Four options are presented. They are (1) sale-leaseback, (2) small denomination bonds, (3) compound coupon small denomination bonds, and (4) bond anticipation notes to be replaced by revenue bonds in three years. The costs of these options have been compared to general obligation (G.O.) bonds to determine their relative advantages.

Small denomination compound coupon bonds are bonds that accrue interest over their term at compounded rates. The problem with small denomination compound coupon bonds is not knowing what the market for them would be.

The alternative to these methods is simply to include the new pool in our bond issue this spring. It is recommended that the new pool be financed through the issuance of G.O. Bonds and that it be included in the next bond issue. If the Mayor and Council wish to issue small denomination bonds as a community service, however, they should instruct the staff to explore the market feasibility of such an issue and to report the results to the Mayor and Council.

Councilman Tyner asked if the addition of the pool to the general obligation issue would dislodge any projects originally scheduled. Mr. Lawton said it will definitely have an impact on the budgeted CIP. He said the \$11 million bond anticipation notes did not include a swim center. But, the \$1.1 million swim center can be added to the bond issue. Councilman Tyner said

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he will monitor it closely so that it will not affect projects down the line.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Council approved the staff's recommendation of financing the pool through the issuance of general obligation bonds.

Re: Selection of Artist
for Art at Swim Center
in compliance with Art
in Architecture
Ordinance

Mr. Olson showed a sample of the work of Judith Inglese of Leverett, Massachusetts, who deals in ceramic murals.

On motion of Councilman Duncan, duly seconded and unanimously passed, the art was approved.

Re: Award of Contract: Bid
No. 32-83, Woodley Gardens
Tennis Courts

Staff requests deferral of Bid No. 32-83, approval for Woodley Gardens tennis and basketball court construction project due to the fact that Program Open Space funding for FY 84 may be cut back almost in half during the current state legislative session or eliminated completely.

What this proposed cut back may do is reduce the City's P.O.S. funding next year in half from about \$180,000 to \$90,000.

Because the Woodley Gardens tennis and basketball courts project is of much lesser priority than projects planned for during the next few years, staff recommends that a decision to award Bid No. 32-83 be deferred until it is known what POS funding level the General Assembly approves. Peak, Inc., the low bidder for this project, has agreed to honor its bid price through April 30, 1983. This would permit an award of bid on April 25.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed the award of contract for Bid No. 32-83, was deferred until April 25, 1983.

Re: Approval of Extension
of Settlement - Gateway
Building Associates Parcel
4A at the intersection of
Rockville Pike and Jefferson
Street.

Lowell Baier, general partner of Gateway Building Associates, is requesting a one year extension on the settlement for Disposition Parcel 4-A located at the intersection of Rockville Pike and Jefferson Street.

Parcel 4-A consists of 50,182 square feet of land. It is proposed for the development of a 125,000 square foot office building with enclosed parking. The developer estimates that the construction cost of the project will be \$9.5 million. The purchase price for the land is \$410,000.

The contract for the sale of Parcel 4-A to Gateway Building Association was executed on March 23, 1981. At time of contract signing, the developer provided the City with a \$41,000 deposit. Settlement was to take place within two years of the signing of the agreement.

In a letter of March 4, 1983, Mr. Baier describes the steps taken thus far to effect the development of the property. The inability to secure project financing has been a result of a national economic decline rather than an indication of a lack of diligent action by Gateway Building Associates. For that reason, it is not recommended that the land price be changed. Should, however, it prove necessary for Gateway Building Associates to request an additional extension, it is suggested that the disposition agreement be reevaluated in light of prevailing market conditions.

On motion of Councilman Tyner, duly seconded and unanimously passed, an extension of settlement date was granted to Gateway Building Associates at the same terms and conditions as the original contract.

Re: Introduction of Ordinance:
To enact a new Chapter 23,
of the "Laws of Rockville"
entitled "Homeowners
Associations" to require
open meetings

On motion of Councilman Abrams, there was introduced upon the table an ordinance to enact a new Chapter 23 of the "Laws of Rockville" entitled "Homeowners Associations" to require open meetings, said ordinance to lay over at least one week before final action is taken.

Re: Adoption of Ordinance:
To revise and amend
Appropriation Ordinance
No. 19-82

Ordinance No. 7-83

Councilman Abrams asked if it was the plan to address the status of the National League of Cities' membership. Councilwoman Hovsepien said it was her thought that membership depended on the Council's participation on the

steering committees. Councilman Tyner said it seemed to him that the City had decided it was not getting \$1,500 worth of effort for the money spent and to still participate through the state municipal league.

Councilman Abrams moved to amend the ordinance to delete the \$1499 for National League of Cities membership, the motion passed unanimously.

Councilman Abrams asked if the City Manager can forward information on the exact cost of the City's support of the Tillie Frank suit in outside legal fees. He also asked when the actual cost of participation of the municipal league would be forwarded to the Council. Mayor Freeland said information had come to the Council, but it did not include costs and he would like to see that.

On motion of Councilwoman Hovsepien, duly seconded and unanimously passed, the Mayor and Council all voting aye, Ordinance No. 7-83, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, revising the FY 83 appropriations ordinance was adopted as amended.

Re: Introduction of Ordinance:
To grant Text Amendment
Application, T-35-80,
Parking requirements for
housing for the elderly

On motion of Councilman Duncan, there was introduced upon the table an ordinance to grant text amendment application, T-35-80, parking requirements for housing for the elderly, said ordinance to lay over one week before final action is taken.

Re: Authorization to file
Street Closing Abandonment
Applications

In June of 1982, a "Disposition and Development Agreement" was entered into by the City and New Rockville Town Center Partners. This agreement provided for the redevelopment of land currently owned by the City on the north side of Middle Lane across from the Commons and on the south side of Middle Lane between the Commons and North Washington Street. Since the execution of this agreement, it has come to staff's attention that there are two rights of way across the subject property which must be abandoned prior to conveying clear title to the developer.

The staff recommends the Mayor and Council approve the filing of the two applications to close and abandon these two public ways.

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On motion of Councilman Duncan, duly seconded and unanimously passed, staff was authorized to file the street closing applications.

Re: Approval of Waiver of
on-site Storm Water
Management - 1330 Piccard
Drive

This site, located at 1330 Piccard Drive, is north of the intersection of the new Gude Drive and Piccard Drive.

Since there are both compensating SWM facilities and a storm drain system, and the streams can safely convey the small increase in runoff from the development, it is recommended that the City waive the on-site SWM requirements, subject to a conformable waiver by MSCD, and accept a contribution to the public SWM Program in the amount of (2.60 acres @ \$5,800/acre) \$15,288.

On motion of Councilwoman Hovsepan, duly seconded and unanimously passed, the Mayor and Council approved the waiver of on-site storm water management at 1330 Piccard Drive and accepted a contribution of \$15,288 for off-site construction.

Re: Approval of Waiver of
on-site Storm Water
Management - 1375 Piccard
Drive

This site at 1375 Piccard Drive has a tributary of Watts Branch traversing the back of the lot.

It is recommended tha the City waive the on-site SWM requirements, subject to a conformable waiver by MSCD, and accept a contribution to the City's public SWM program in the amount of \$38,477 (5.01 acres @ \$7,680/acre).

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council waived the on-site storm water management requirements at 1375 Piccard Drive and accepted a contribution of \$38,477 for off-site construction.

Re: Adoption of Resolution:
To approve execution of
Mall Agreement between
the Mayor and Council of
Rockville and Eisinger
Associates, Kilbane Associates
and other organizations and
individuals

Resolution No. 10-83

Mayor Freeland read a letter from Montgomery County stating that as soon as possible, information would be forwarded on the waiver of taxes.

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 10-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, approving the execution of the agreement for the lease of the Mall garage, was adopted by the Mayor and Council.

Re: Continuation of
New Business

3. Councilman Duncan asked the City Manager if he had prepared the salary figures requested. The City Manager said he had done so.

4. Councilman Tyner suggested that a memo prepared for him by the City Manager be shared with the Mayor and Council concerning the Twinbrook Metro station.

5. The Mayor noted a request from the Maryland Municipal League for nominations for Board of Directors. Councilman Abrams suggested the document be withheld until a decision is made by the Council on membership in the League next year. Councilman Tyner disagreed with that idea. Councilman Abrams noted he has made repeated requests for cost information and it has not been forthcoming. Councilwoman Hovsepian suggested forwarding the name of Councilman Tyner as a candidate for president of the Maryland Municipal League and going ahead with the membership at this time. Councilman Abrams suggested the information from the staff should be part of that decision. Mayor Freeland asked that the staff pull the figures together and give them to the Mayor and Council and have a discussion on league membership following the work session with the Animal Control Board. Councilman Duncan agreed that would be fine if the City Manager would just send the prior memo but attach costs and include those costs for the Chapter and the National League of Cities. Mayor Freeland said the Council could make a decision on how to pursue a course of action. Maybe all five members of the Mayor and Council should not take part in all activities. The City Manager said since the figures fluctuate from year to year, they do not show an accurate picture. He will attempt to identify those obligations that can be pursued by the Council on an optional basis according to cost. Councilman Abrams said it is his feeling that the figures from past years will be helpful for a historical perspective.

6. The City Manager brought to the Council's attention that March 28 is a holy day and there is a problem with scheduling a meeting. Since he does not

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have a lot of business to cover that night, the business can be done on March 21. Mayor Freeland agreed and the meeting will start at 7:30 p.m.

Re: Approval of Minutes
Meeting No. 5-83

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 5-83, February 28, 1983, were approved as amended.

Re: Executive Session

On motion of Councilman Tyner, duly seconded and unanimously passed, the meeting was closed for executive session to discuss personnel.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 12:10 a.m. to convene again in general session on Monday, March 21, at 7:30 p.m. or at the call of the Mayor.